File No. 643

*19*34.

Collection No.

(K) The Mysore Residency Bangalore

P13

A 1/Accts 4.7.

Pros. / Serial Nos. 1 — (L)

Rm 30.6.4)

Subject.

Establishment for the Office of the District and Sessions Judge, Bangalore

Appointment of Mr. A. Sunder. Rao as a clerk.

Exemption from Assignment

Previous References.

Later References.

675/34

67/36. Appl for J.P. The Registrar

NOTES AND PRECIS.

S.N.1

Dy No. 7293.

Fundamental Rule No. 27 provides that "an authority may grant a premature increments to a Government servant on a time-scale of pay if it has power to create a post in the same cadre on the same scale of pay". Power to create a post in the Court of the District and Sessions Judge, C. & M. Stati rests only in the Resident. Sanction of the Resident is, therefore, necessary under the above rule to start Mr. A sunder Rao on the maximum in the scale of Rs. 55-5/2-70, the revised scale fixed for the post. The proposal amounts to giving the new entrants three advanced increments, which will normally be spread over a period of six years. It was the practice to give graduate clerks when appointed in this office three advance increments and when appointed in subordinate offices four advance increments (when the increments were annual). But this practice has been discontinued in pursuance of the Government of India, Finance Department, memo No. F. 38-XXVII-Ex-I/32, dated the 29th November, 1932.

Another point that may be noticed is that Mr. Sundar Rao must long have passed the age limit of 25 years, prescribed for admission to Government service. The District Judge has not stated any thing about this point.

Under instruction 1 of the Instructions issued by the Government of India in the Finance Department resolution No. 205 C. S. R. dated the 8th February 1924, (as subsequently

amended), " a person whose age exceeds 25 years may not ordinarily be admitted into the service of the state in superior pensionable service without the sanction of the Head of a Department." It is doubtful, whether thee District Judge can/ he said to be the Head of the Department, though he is the appointing authority in regard to the clerical establishment of his office. The sanction of the Resident appears to be necessary for grant of exemption from the age limit. cf. precedent at flag 'E'. F.246/17

F.246/1917
(E)

The District Judge may, therefore, first be asked to report whether Mr. A. Sunder Rao is within the age limit prescribed for admission to the Government service.

Draft submitted.

N.V. Padmanabhan
14/8/34.

15/8/34

20.8.34

Issued S.N.2 d/22nd Aug. 1934.

S. N. 3.

Dy. No. 7988

Please see S. N. 1 and 2.

Sanction is sought (1) for starting Mr. A. Sunder Rao on the maximum in the scale of Rs. 55-5/2-70, and (2) for exempting him from the age limit prescribed for admission to Government service.

(1) above:-

Notes at para 1 and the recent memorandum of the Government of India in Finance Department regarding higher intial pay for persons possessing higher techinical qualifications may be perused in this connection.

Higher qualification in law is higher techinical qualification and it may perhaps be taken that such qualification is necessary for the efficient discharge of the work of the post. The District Judge has stated that qulified persons are not available in his office for promotion to this post. The only question then is whether there are not persons outside, willing to accept the post on the minimum pay fixed therefor. It is not known what steps the District Judge has taken to find out whether there are not other qualified persons willing to accept the post on the minimum pay. If there are none the question will have to be considered whether a higher initial pay should be offered to attract qualified men and what that pay should be viz. Rs. 55,60,65 or 70. ~~[The starting pay of the post before revision was Rs. 60/-]~~

The District Judge may be asked to report what steps

if, any, he had taken to secure the services of qualified men for the post and whether there are not available qualified men who would accept the post on the minimum pay or any pay less than the maximum.

(ii) Exemption from age limit.

This question may await a reply to the proposed reference. Draft submitted.

W. Morgan
16. 9. 34.

(illegible)

Seen.

(illegible)

Chrie
2.10.34

Await 4-XI-34

Issued S. N. 4 of 4th. October 1934

Dy. No. 9887 S.N.5

Please see notes at paras 5 and 7 ante and serial 4.

No assurance has been given by the District Judge to Mr. Sundar Rao that he would be given the maximum in the scale of Rs.55-5/2-70. On the other hand Mr. Rao has apparently accepted the job on Rs.55. He being fully qualified for any post in the District Court it is open to the District Judge to appoint him to any ~~post~~ suitable place in the office when a vacancy arises. The memorandum of the Govt. of India in the Finance Deptt. No. F.26(16)-Ex-1/33 dated the 20th July 1934 lays down that the power of granting advance increments should be exercised sparingly and only after most careful consideration of the relevent facts. In the circumstances there seems to be little need or justification for the exercise of the power in the present case.

The exemption from age limit may be sanctioned. A draft is submitted.

14/XI/34

(Illegible)

15.11.34

Issued S.N. 6 & ltr 24-5 XI-34

CORRESPONDENCE.

1233—22-3-1929—4,000—RPB.

URGENT. S. N. 1

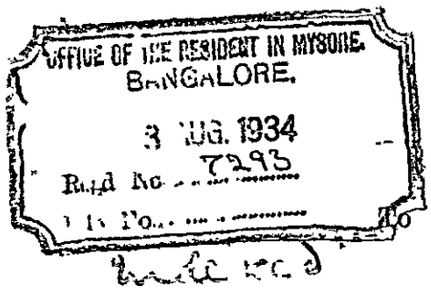
No. 3198 Enclos.

DISTRICT AND SESSIONS COURT,
CIVIL AND MILITARY STATION,

Bangalore, dated 8th August *19* 34.

FROM

P. Medapa Esq., B.A., B. L.,
DISTRICT AND SESSIONS JUDGE,
CIVIL AND MILITARY STATION,
BANGALORE.



The Secretary to the Hon'ble
the Resident in Mysore,
BANGALORE.

SIR,

E 1147 47 (15)

A vacancy having arisen in the post of a Clerk in the (x) revised scale of Rs 55 - 5/2 - 70 in this Court, I have appointed a Law Graduate who is a member of the local bar for that post with effect from the 15th instant as none of Clerks in the lower grade of Rs 35 - 2 - 55 in this office have passed the Civil Judicial Test or are otherwise - qualified and as I strongly felt that the efficiency of the office establishment has to be improved considerably. The person selected by me for the above post is Mr. A. Sundar Rao who is a Master of Arts and a Graduate in Law of the University of Madras. After working in the chambers of Mr. V.V. Srinivasa Iyengar, a leading Advocate of the Madras Bar and an Ex-Judge of the Madras High Court, Mr. Sundar Rao practised as an Advocate in Mangalore for about two years and then shifted to Bangalore where he has been practising for the past nearly three years. In view of his high - qualifications and standing at the Bar, I have the honour to request that the Hon'ble the Resident may be pleased to sanction the payment of the maximum pay of the post, i.e., Rs 70/- to Mr. A. Sundar Rao.

I have the honour to be,
Sir,
Your most obedient servant,

P. Medapa

P.S.R.

District & Sessions Judge.

S-N-2

MEMORANDUM.

No. F. 643/R.O.I/34.

From The Secretary to the Hon'ble the Resident in Mysore, Bangalore.

Received 22.8.

Bangalore, dated 22nd August, 1934.

To The District and Sessions Judge, C. & M. Station, Bangalore.

Appointment of Mr. A. Sunder Rao as a clerk in the Court of the District and Sessions Judge, C. & M. Station, Bangalore.

Reference his letter No. 3198 dated the 8th August, 1934, The District and Sessions Judge is requested to report whether Mr. A. Sunder Rao is within the age limit prescribed for admission to the Government Service.

SECRETARY TO THE RESIDENT IN MYSORE.

N.V. Padmanabhan 14/8/34. 178.

S.N.3.

1233—22-5-1929—4,000—RPB.

No. 3540 Enclos.

DISTRICT AND SESSIONS COURT,
CIVIL AND MILITARY STATION,

Bangalore, dated ~~25~~ 27th August 1934.

FROM

P. Medapa Esq., B.A., B. L.,
DISTRICT AND SESSIONS JUDGE,
CIVIL AND MILITARY STATION,
BANGALORE.

OFFICE OF THE RESIDENT IN MYSORE.
BANGALORE.
29 AUG. 1934
Regd. No. 7988
Encl. No. ...

To

The Secretary to the Hon'ble
the Resident in Mysore,
BANGALORE.

SIR,

Subject:- Appointment of Mr.A.Sundar Rao as a Clerk in the District & Sessions Court, C.& M. Station, Bangalore.

XS.N.2 of (N)

With reference to your letter No. F.643-34/R.O.1 dated the 22nd instant, I have the honour to state that Mr. A. Sundar Rao is said to be 32 years old. I had thought of addressing the Hon'ble the Resident requesting exemption of Mr.A.Sundar Rao from the operation of the age-limit rule later on at the time of the latter's confirmation in Government Service as and when it comes about and if his work was found satisfactory. Since however this question of age also has been raised now alone, I request that the Hon'ble the Resident may be pleased to exempt Mr.A.Sundar Rao from the operation of the age-limit rule. I have already stated in my letter No. 3198 dated the 8th instant that Mr. A. Sundar Rao is a graduate in law and had been practising for the past nearly five years and that I had to recruit a law graduate in the person of a junior member of the local Bar with a view to improve the efficiency of the Office Establishment. I may also add for the information of the Hon'ble the Resident that two of my efficient Clerks have been placed on other duty recently, one in the Resident's Court

P.T.O.

4

and the other in the Office of the Registrar of Firms, with the result that the District Court Establishment is handicapped in its strength of efficient Clerks. The Hon'ble the Resident may be aware that it is not uncommon to exempt law graduates from the operation of the age-limit of 30 years when the latter are entertained in Government Service in the interests of public service. I understand that in the Madras Presidency law graduates are recruited upto 34 years and in this very Court exemptions from the age rule in the case of law graduates have been granted on former occasions. Mr. A. Sundar Rao took charge of his post on 15-8-34 in pursuance of my order of appointment already intimated to you in my last letter. I request therefore that the Hon'ble the Resident may be pleased to exempt Mr. A. Sundar Rao from the operation of the age-limit rule in the interests of public service and to sanction the payment of a salary of Rs 70/- per mensem to him in the revised scale of Rs 55 - 5/2 - 70.

× This exemption is only for Candidates, who are Directly Recruited to Judicial Service.

Pages 5 & 6 of (E) File No. 246 | 1917

I have the honour to be,

Sir,

Your most obedient servant,

P. Sundaram

PSR.

District & Sessions Judge.

S.N 4

5

Final

Issued 4.10.34.

DEPARTMENT.

BRANCH.

File No.

Serial No.

Draft Letter / Memorandum / Telegram

Class for telegrams | Ordinary / Express / Urgent* / Priority / Clear Line† | *Only for Foreign Telegrams. †Not for Foreign Telegrams.

No. F.643/34 R.O.I Dated 4th Sept. 1934.

To

The District and Sessions Judge,
C. & M. Station,
Bangalore.

To be issued on	Issued on
1st Reminder	
2nd Reminder	
3rd Reminder	

Heading :

Case or Diary No.

If post copy of telegram required

Date of despatch of above

List of enclosures

(Code word for telegrams.)

Sir,

With reference to the corresponding resting with your letter No. 3540, dated the 27th August 1934, I am directed to invite your attention to endorsement from this Residency No. 837/34 R.O.I dated 11th Sept 1934, forwarding a copy of ~~the~~ memorandum from the Government of India in the Finance Department No. F. 26 (16)-Ex-1/33, dated the 20th July 1934, and to request that you will be so good as to report (1) what steps, if any, you ~~have~~ Took ~~taken~~ to secure the services of a qualified person for the post and (2) whether there are not qualified men available who would accept the post on the minimum pay or any pay less than the maximum.

I have etc.,

2/10

~~for~~ Secretary to the Resident.

S. 5.
MG1PC—S1—207 (GPS) D&W—(M.2601)—27-4-32—50,000 pads.

4/9/34

S.N-5

1233—22-3-1929—4,000—RPB.

No. D4470 Enclos.

District and Sessions Court,
Civil and Military Station,
Bangalore, dated 24th October *19* 34.

From

P. Medapa Esq., B.A., B.L.,
DISTRICT AND SESSIONS JUDGE,
CIVIL AND MILITARY STATION,
BANGALORE.

OFFICE OF THE RESIDENT IN MYSORE.
BANGALORE.
26 OCT 1934
Regd. No. 9830
File. No.

S.N-4
Gen. P. 4.
(N)

To

The Secretary to the Hon'ble
the Resident in Mysore,
BANGALORE.

Sir,

With reference to your letter No. F.643-34/R.O.I dated the 4th instant, I have the honour to state that about half a dozen qualified junior members of the Bar were - actually sent for with a view to find out whether any of them would accept a Clerical post in this Court on Rs 55/- in the grade of Rs 55 - 5/2 - 70/- before Mr. A. Sundar Rao was finally selected by me. All the other qualified persons refused to accept Office on any salary less than Rs 100/- per mensem. Then I appointed Mr. A. Sundar Rao on Rs 55/-. I have not given any assurance to him that he would be given the maximum pay of the post, viz., Rs 70/- though I told him that I would recommend his case for the maximum pay to the kind consideration of the Hon'ble the Resident. I have already stated in one of my previous letters on the subject that there are no qualified men in this Office establishment itself from whom I could appoint one to this post. As no other qualified member of the junior Bar would care to accept anything less than the maximum pay of this post, I selected Mr.A.Sundar Rao for the post.

S.N-1 (N)
Gen. P.1

I have the honour to be,
Sir,
Your most obedient servant,

P Medapa

PSR.

District & Sessions Judge.

S-N-6

PROCEEDINGS OF THE HON'BLE THE RESIDENT IN MYSORE.

No.F.643-34
R.O.I.

Dated, Bangalore, the 24th November 1934

R e a d:-

Letter from the District Judge, Civil and Military Station, Bangalore, No.3198, dated the 8th August 1934.

Letter from the District Judge, Civil and Military Station, Bangalore, No.3540, dated the 27th August 1934.

Letter from the District Judge, Civil and Military Station, Bangalore, No.D.4470, dated the 24/25th October 1934.

O R D E R.

In the interests of the public service the Hon'ble the Resident is pleased to exempt Mr.A Sundar Rao, M.A., B.L., from the operation of Part I of Appendix 3, Administrative Instructions in connection with the Fundamental Rules, his age being 32 years.

2. He regrets, however, that he is unable to sanction the proposal to give Mr. Sundar Rao an initial pay higher than the minimum prescribed for the post to which he is appointed.

24/11

SECRETARY TO THE RESIDENT.

To

The District Judge, Civil and Military Station, Bangalore.

The Accountant General, Madras, through the Officer in Charge of the Hon'ble the Resident's Treasury (paragraph 1 only).

PKH